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| 10/812,644      | 03/29/2004  | Tsung Wei Chiang     |                     | 3402             |

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| EXAMINER |
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CUTLER, ALBERT H

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| ART UNIT | PAPER NUMBER |
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2622

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06/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|--|--------------------------------------|--|--|
| <p align="center"><b>Office Action Summary</b></p> | <b>Application No.</b><br>10/812,644 | <b>Applicant(s)</b><br>CHIANG, TSUNG WEI |  |
|  | <b>Examiner</b><br>Albert H. Cutler  | <b>Art Unit</b><br>2622                  |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to application 10/812,644 filed on March 29, 2004. Claims 1-13 are pending in the application and have been examined by the examiner.

#### ***Information Disclosure Statement***

2. The Information Disclosure Statement (IDS) mailed on March 29, 2004 was received and has been considered by the examiner.

#### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the **zip code** of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

#### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ting(US 6,665,455).

Consider claim 1, Ting teaches:

A digital camera module for use in a portable electronic device(figures 2-6), comprising:

a lens holder(figure 2), including a base(100 and 200, figures 2-6) and a tube element for receiving a lens(100, figures 2-6. The inner portion of the top of the base(100) includes a tube element for receiving a lens module(300, column 3, lines 16-48).); and

a printed circuit board(600, figures 2-6);

wherein the tube element extends from a top of the base(The tube element extends from the top half of the base(100), figure 3.), the base comprises a bottom portion(200) engaging with the printed circuit board(The bottom portion(200) engages a printed circuit board via a plurality of pegs(203, 204, etc.), figures 3 and 4.), the bottom portion comprises a first sidewall and a third sidewall opposite to the first sidewall(The bottom of the base(200) has three sidewalls(see figures 3 and 4). These three sidewalls include first and third sidewalls, which are the sidewalls adjacent to the

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unmarked peg, and peg 203. These sidewalls are on opposite sides.), and at least one of the first and the third sidewalls has a holder means for holding the printed circuit board(Both of the first and third sidewalls have holder means(peg 203 and the unmarked peg, see figures 3 and 4) for holding the printed circuit board(600).).

Consider claim 2, and as applied to claim 1 above, Ting further teaches:

the bottom portion further comprises a second sidewall interconnecting the first and the third sidewalls(See figures 3 and 4. A second, longer sidewall, which is adjacent to peg 204, connects the first and third sidewalls.).

Consider claim 3, and as applied to claim 1 above, Ting further teaches:

the tube element is cylindrical(see figures 3 and 4, claim 1 rationale).

Consider claim 4, and as applied to claim 2 above, Ting further teaches:

a support means(peg, 204) for supporting the printed circuit board(600) extends from an inside of the second sidewall(see figures 3 and 4).

Consider claim 5, and as applied to claim 4 above, Ting further teaches:

the support means is between the first and third sidewalls(See figures 3 and 4. Peg 204 is between the two sidewalls, which are adjacent to Peg 203 and the unmarked peg.).

Consider claim 6, and as applied to claim 4 above, Ting further teaches:  
the support means has a flat surface(See figures 3 and 4. The top of Peg 204 is flat.).

Consider claim 7, and as applied to claim 4 above, Ting further teaches:  
the support means has a projection received in the printed circuit board(Peg 204 is received in the printed circuit board. See figure 4, column 3, lines 16-48.).

Consider claim 13, Ting teaches:  
A digital camera module for use within an electronic device(figures 2-6),  
comprising:  
a lens holder(figure 2) defining a chamber-like base(100 and 200, figures 2-6)  
with a tube element extending from a top portion thereof(100, figures 2-6. The inner  
portion of the top of the base(100) includes a tube element for receiving a lens  
module(300, column 3, lines 16-48).);

a lens essentially located in said tube element(300, column 3, lines 16-48);  
a printed circuit board(600) essentially located around a bottom portion(200) of  
the base opposite to said tubular element(see figures 2-6);  
means for detachably retaining said printed circuit board in the base horizontally;  
and means for detachably retaining said printed circuit board in the base(100 and  
200) vertically(See figures 3 and 4, column 3, lines 16-48. Three pegs(203, 204, etc.)  
retain the printed circuit board(600) both horizontally and vertically.).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake(US 2002/0142798) in view of Ting(US 6,665,455).

Consider claim 8, Miyake teaches:

A mobile phone(1, figures 1-8, paragraph 0058), comprising:

an information transceiver module(transceiver, paragraph 0058); and

a camera module(2, paragraphs 0058-0060).

However, Miyake does not explicitly teach the structure of the camera module.

Ting is similar to Miyake in that Ting teaches of a camera module for use in an electrical device(figures 2-6, column 1, lines 6-29, column 3, line 17 through column 4, line 24).

In addition to the teachings of Miyake, Ting teaches:

wherein the camera module comprises a base(100 and 200, figures 2-6), a cylinder extending from the base for receiving a lens(100, figures 2-6. The inner portion of the top of the base(100) includes a tube element for receiving a lens module(300, column 3, lines 16-48).), and a printed circuit board(600), the base comprises a bottom portion(200) engaging with the printed circuit board(The bottom portion(200) engages a printed circuit board via a plurality of pegs(203, 204, etc.), figures 3 and 4.), the bottom portion comprises a first sidewall and a third sidewall opposite to the first sidewall(The bottom of the base(200) has three sidewalls(see figures 3 and 4). These three sidewalls include first and third sidewalls, which are the sidewalls adjacent to the unmarked peg, and peg 203. These sidewalls are on opposite sides.), and each of the first and the third sidewalls has a holder means for holding the printed circuit board(Both of the first and third sidewalls have holder means(peg 203 and the unmarked peg, see figures 3 and 4) for holding the printed circuit board(600).).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use the camera module of Ting in the phone of Miyake for the benefit of being able to easily remove dust particles and replace and repair broken or obsolete parts(Ting, column 1, lines 7-14, column 3, lines 49-52).

Consider claim 9, and as applied to claim 8 above, Miyake does not explicitly teach the structure of the camera module. However, Ting teaches:



the bottom portion further comprises a second sidewall interconnecting the first and third sidewalls(See figures 3 and 4. A second, longer sidewall, which is adjacent to peg 204, connects the first and third sidewalls.).

Consider claim 10, and as applied to claim 9 above, Miyake does not explicitly teach the structure of the camera module. However, Ting teaches:

a support means(peg, 204) for supporting the printed circuit board(600) extends from an inside of the second sidewall(see figures 3 and 4).

Consider claim 11, and as applied to claim 10 above, Miyake does not explicitly teach the structure of the camera module. However, Ting teaches:

the support means is between the first and the third sidewalls, and has a flat bottom(See figures 3 and 4. Peg 204 is between the two sidewalls, which are adjacent to Peg 203 and the unmarked peg. The bottom of Peg 204 is flat, and is connected to the bottom portion of the base(200), figure 3.).

Consider claim 12, and as applied to claim 9 above, Miyake does not explicitly teach the structure of the camera module. However, Ting teaches:


the support means has a projection received in the printed circuit board(Peg 204 is received in the printed circuit board. See figure 4, column 3, lines 16-48.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER